

## **PLANNING REVIEW CYCLES AND PROCESSES**

*Presentation for:* Virginia Housing Commission, Regulatory and Financial Issues Workgroup

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Planning, Subdivision of Land and Zoning are regulated by 15.2-2200 through 15.2-2357 of the Virginia Code

### ***Exempt, Family and Minor Divisions***

**Exempt Divisions:** Some Counties specify that certain divisions of property are exempt from local subdivision regulation. These divisions typically require a plat to be signed by the agent for the governing body with a note acknowledging that the plat complies with the exempted provisions and does not violate the standards of the subdivision or zoning ordinances. (Example: lots greater than ten (10) acres are exempt from \_\_\_\_\_ County subdivision regulations)

**Family Divisions:** Family divisions are intended for the creation of a lot for an immediate family member. 15.2-2244 stipulates that this is a mandatory provision for Counties to adopt. The created lot can be served by a private access easement to a public right-of-way. The locality may opt to allow uncles, aunts, nieces and nephews to be defined as immediate family. Plats for family divisions may not go through a rigorous review process like other subdivisions. Lots created from family divisions would have to meet zoning requirements.

**Minor Divisions:** Some Counties determine that divisions of property where no public improvements are proposed and a specified limited number of lots are to be created have a limited local review of the plat. The review may be limited to zoning, lot configuration, sanitation and public road right-of-way. The threshold for a minor division could be 5, 7, 10 lots or whatever limit the jurisdiction deems appropriate.

#### **Process:**

- Developer hires licensed surveyor to prepare the plat.
- If the lot is to be served by well & septic the developer hires a consultant to prepare necessary soil and well evaluations for Health Department approval.
- If the lot is located in a jurisdiction regulated under the Chesapeake Bay Act, the developer may need to hire an environmental consultant to map resource protection areas.

- The developer submits the prepared plat and necessary studies to the County with its application form and fee.
- The County routes copies of the plat and studies to internal review agencies (Planning, Zoning Administrator and public works), and Health Department and VDOT if applicable.
- The County sends comments back to the developer's surveyor that the plat was approved or denied and reasons for such within sixty (60) days in accordance with 15.2-2259.
- The developer resubmits corrected information.
- The County sends additional comments back (corrections not properly made or caused new issues) or approves the plat for recordation.
- The developer records the plat with the Clerk of the Court including any covenants, deeds of dedication and deed of conveyance.

#### Cycle:

The review cycle can vary from jurisdiction to jurisdiction. 15.2-2259 specifies a sixty-(60) day turn around time for the first review and forty-five (45) for subsequent reviews. It is an iterative process that requires changes to the plats be made by the licensed surveyor that prepared them. Typical turn around time in Stafford County is 3-6 months. The timeline can vary widely depending on the completeness of the proposed plat and accompanying studies and manpower issues on behalf of the County and the private surveyor.

### ***Major Subdivisions***

Counties that require preliminary plats pursuant to 15.2-2260 often distinguish between minor and major subdivisions. Major subdivisions often involve the construction of public improvements such as streets, drainage/stormwater management and sewer and water utilities. County processes for major subdivisions typically have three component parts. They are preliminary plat, public improvement plan and final plat.

**Preliminary Plat:** If required, a preliminary plat is approved prior to final plat. Approval of the preliminary plat is made by the Planning Commission and in some localities also approved by the Board of Supervisors. The preliminary plat will provide a lay-out of the entire subdivision/project showing streets, lot configuration, open space, and conceptual locations and sizes of drainage/stormwater management facilities and public sewer and water utilities.

#### Process:

- The developer hires a licensed engineer, landscape architect or surveyor to prepare the plat.

- The plat preparer will consult with the developer on lot layout, street layout and design, stormwater concepts, utility concepts and potential construction costs associated with the project.
- The developer may hire other environmental consultants to assist in determining project viability and compliance with Federal, State and County requirements (for example wetlands, Chesapeake Bay Act Resource Protection Areas, Endangered Species Act, etc...).
- The preliminary plat is submitted to the County with an application and review fee.
- The preliminary plat review may follow a similar process as other plats with exception that once the application meets all of the local ordinance requirements; it is sent to the Planning Commission for approval for compliance with the ordinances. This is sometimes known as a “ministerial act”.

#### Cycle:

15.2-2260 stipulates that the Planning Commission or its agent must take action on the plat within sixty (60) days of submission. Forty-five (45) days are allotted to state agencies to conduct their reviews. This process often becomes an iterative process in an effort to coordinate federal, state and local requirements as well as meeting the intent of the County’s Comprehensive Plan. Typical review times in Stafford County are 6-9 months from submission to Planning Commission approval.

**Public Improvements Plan:** After approval of a preliminary plat and prior to recordation of a final plat, a County typically requires the developer to submit and obtain approval of a construction or public improvement plan. The public improvement plan typically shows grading, erosion control, street prism, curb, gutter, sidewalks, required landscaping, proffered improvements and engineering profiles and details. Improvements may be required to be constructed off-site to meet minimum standards. The County will require necessary easements, right of ways or permission before those improvements are authorized. The County will require the developer to provide surety of up to twenty-five (25) percent above the cost of the public improvements shown on the approved plans pursuant to 15.2-2241. The developer will provide certification that the improvements have been made to County standards and the County may grant a partial or final release of the surety pursuant to 15.2-2245. Some localities allow developers to proceed with early clearing and grading while the public improvement plan is being reviewed.

#### Process:

- The developer hires a licensed engineer, landscape architect or surveyor to prepare the plans.
- The developer submits the prepared plan and necessary studies to the County with its application form and fee.

- The County routes copies of the plan and studies to internal review agencies (Planning, Zoning Administrator, Fire Marshall and public works), and Health Department and VDOT if applicable.
- The County sends comments back to the developer's plan preparer that the plan was approved or denied and reasons for such within sixty (60) days in accordance with 15.2-2259.
- The developer resubmits corrected information.
- County verifies that all necessary state and federal approvals have been granted (US Army Corps of Engineers Wetlands Permit, VDEQ land disturbance Permit, VDOT Construction Permit, etc.) for the project.
- The County sends additional comments back (corrections not properly made or caused new issues) or approves the plan.
- The developer posts sureties for erosion control, stormwater management, public utilities and other public improvements.
- The developer constructs the improvements and requests release or reduction of sureties.
- County conducts inspections and accepts or rejects improvements (if rejects provide reasons for rejection).

#### Cycle:

Typical review times in Stafford County are 6-9 months from submission to approval.

**Final Plat:** The final plat will depict lots to be created, public rights-of-way, easements, property corner monumentation local zoning and subdivision information. A certified surveyor must prepare plats. The locality will not allow approval or recordation of the plat until surety has been provided for any public improvements that are not completed or accepted by the County pursuant to 15.2-2241. Final plats are often submitted to the County for review concurrently with the public improvement plan(s). Large projects may include multiple sections and multiple final plats.

#### Process:

- Developer hires licensed surveyor to prepare the plat.
- If the lots are to be served by well & septic the developer hires a consultant to prepare necessary soil and well evaluations for Health Department approval.
- The developer submits the prepared plat and necessary studies to the County with its application form and fee.
- The County routes copies of the plat and studies to internal review agencies (Planning, Zoning Administrator and public works), and Health Department and VDOT if applicable.
- The County sends comments back to the developer's surveyor that the plat was approved or denied and reasons for such within sixty (60) days in accordance with 15.2-2259.
- The developer resubmits corrected information.

- The County verifies cost estimates for public improvements.
- The County sends additional comments back (corrections not properly made or caused new issues) or approves the plat for recordation.
- The developer posts surety with the County for public improvements not completed.
- The developer records the plat with the Clerk of the Court including any covenants, deeds of dedication and deed of conveyance.

#### Cycle:

The review of final plats must comply with the review times specified in 15.2-2259. As indicated above, final plats are often submitted during review of the public improvement plan. Developers often wait to record final plats after the public infrastructure has been substantially completed (this could take from 6-9 months). This allows the developer to post a smaller surety with the County which equates to smaller costs for obtaining the surety from a bank or insurance company and also may reduce the amount of liability on the developer's line of credit.

### ***Site Plans***

Counties require review and approval of site plans prior to issuance of building permits pursuant to 15.2-2286. Site plans are typically required for multi-family dwellings and condominiums where there is no subdivision of property. The plans are reviewed for compliance for local zoning, fire protection and public works requirements.

#### Process:

- The developer hires a licensed engineer, landscape architect or surveyor to prepare the plans.
- The developer submits the prepared plan and necessary studies to the County with its application form and fee.
- The County routes copies of the plan and studies to internal review agencies (Planning, Zoning Administrator, Fire Marshall and public works), and Health Department and VDOT if applicable.
- The County sends comments back to the developer's plan preparer that the plan was approved or denied and reasons for such.
- The developer resubmits corrected information.
- County verifies that all necessary state and federal approvals have been granted (US Army Corps of Engineers Wetlands Permit, VDEQ land disturbance Permit, VDOT Construction Permit, etc.) for the project.
- The County sends additional comments back (corrections not properly made or caused new issues) or approves the plan.
- The developer posts sureties for erosion control, stormwater management, public utilities and other public improvements.

- The developer constructs the improvements and requests release or reduction of sureties.
- County conducts inspections and accepts or rejects improvements (if rejects provide reasons for rejection).

#### Cycle:

The review cycle is often very similar to that of a public improvement plan. Typical review times are 6-9 months in Stafford County.

### ***Building Permits***

There are four main components to the review of residential building permits for construction of new dwellings. These areas of review include building plan, erosion control, floodplain and zoning. Many Counties require the applicant to provide copies of a surveyed plat of the property including the proposed location of the dwelling, existing and proposed topographic contours, existing easements and its elevation of the finished floor.

**Building Plans:** Building plans are reviewed by the County for compliance with the International Residential Code. The Virginia Version of the International Residential Code is the Uniform Statewide Building Code (USBC). Some localities may allow submission of preapproved masterplan drawings. The International Code Council in Chicago, Illinois approves the masterplan drawings. House building plans (except masterplans) submitted to a County may be modified by the local Building Official. The Building Official is charged with enforcing the USBC and is able to require plan changes and field corrections based on the USBC.

**Erosion Control:** Counties require that the proposed limits of clearing and grading be shown on the plat submitted with the building permit. Existing and proposed topography may be required to determine that adequate drainage has been provided around the house and at the driveway culvert (if applicable). The County may require the homebuilder to post a bond for the erosion control measures (typically silt fence and sod or seeding).

**Floodplain:** Many Counties require that the plat submitted with the building permit application have proposed elevations for the lowest level finished floor. The locality will compare it with flood elevations from Flood Insurance Rate Maps (FIRM) or a calculated flood elevation. Adjustments to the building plans or Floodproofing may be required. Some localities may require an affidavit by the homebuilder that the proposed dwelling is not located in a flood zone.

Zoning

**Zoning:** The plat submitted with the proposed house location will be reviewed for setbacks, building height, compliance with proffers (monetary payments, buffers, etc...) Chesapeake Bay Act and other zoning requirements.

Process:

- A homebuilder hires an architect or building plan designer to draw the building plans.
- The homebuilder obtains a copy of a plat for the property and draws in the proposed building location (if permitted by the County) or hires a surveyor to prepare the plat.
- The homebuilder submits the building plans, plat, building trade certifications, application form and review fees to the County.
- The County advises the homebuilder whether the reviews have been approved or denied and why.
- The homebuilder submits revised information.
- The County approves the permit.
- The homebuilder constructs the house requesting inspections at various stages of construction.
- The County inspects the construction (the inspection passes or fails (if fails reinspection is required)).
- After passing the final building inspection the homebuilder will request issuance of a Certificate of Occupancy (CO).
- The County issues the CO after verification that all proffers impact fees and yard bonds have been satisfied.

Cycle:

The USBC specifies that the County must approve building permit applications within a reasonable period of time. Counties can vary on their interpretation of those provisions. Often review time are a function of manpower on the County side to get the reviews done and on the homebuilder side for coordinating submission of engineering studies or surveying work that failed the initial review. Stafford County has a standard that building permits should be issued within thirty (30) working days.